

CHAPTER 4
CHILDREN AND FAMILIES

ARTICLE 1

CHILD SUPPORT/PATERNITY TIME GUIDELINES; CHILD SUPPORT REFEREE RULES

Section.

- 4-101. Goals.
- 4-102. Expedited process.
- 4-103. Requirements and time limits.
- 4-104. Reasons for statewide child support referees.
- 4-105. Appointment of referees.
- 4-106. Duties of referees.
- 4-107. Safeguards.
- 4-108. Hearings by referees.
- 4-109. Findings and recommendations of referee.
- 4-110. Judicial review of referee decisions.
- 4-111. Case progression.

§ 4-101. Goals.

The Supreme Court establishes the following goals for the rules relating to the establishment and enforcement of child support and paternity:

- (A) The collection of a greater proportion of the child support owed to custodial parents.
- (B) The entry and enforcement of support orders within the time guidelines established by federal law.
- (C) The assurance that the Nebraska court system complies with federal rules and regulations relating to the establishment and enforcement of child support and paternity.

§ 4-102. Expedited process.

The expedited judicial process established in these rules is mandatory for all court matters related to the establishment and enforcement of child support and paternity. The following time standards apply in actions to establish support orders and, if necessary, paternity.

(A) In all cases needing support order establishment regardless of whether paternity has been established, action to establish support orders must be completed from the date of service to the time of disposition within the following timeframes:

- (1) Seventy-five percent of such cases shall be completed within 6 months of service of process.
- (2) Ninety percent of such cases shall be completed within 12 months of service of process.

Note: In cases for the purpose of paternity and support order establishment that use long-arm jurisdiction

and disposition occurs within 12 months of service of process on the alleged father or noncustodial parent, the case may be counted as a success within the 6-month tier of the timeframe, regardless of when disposition occurs in the 12-month period following the service of process.

§ 4-103. Requirements and time limits.

(A) Each clerk of the district court shall maintain records of payments for each child support order entered by the court in any pending case. Such records shall be created within 2 business days after the filing of the order in the clerk's office. The records shall show payments due, payments made, and the current arrearage. The records shall be updated within 1 business day after the day the payment is due and the day a payment is received. Interest may be calculated either each month or only when requested by the court or a party.

(B) The clerk of the district court shall issue summons within 1 business day after receiving a request for summons. Summons shall be delivered immediately for service unless the court has been requested to issue an ex parte order which may be served with the summons. The clerk shall deliver summons for service no later than 3 business days after issuance.

(C) The clerk of the district court shall determine whether a copy of the order has been furnished to the parties or their attorneys. If the clerk determines no copies have been furnished, the clerk shall mail copies to their last known mailing address by first class mail.

Nebraska Supreme Court Child Support Goals and Rules (Rules 1- 3) amended May 17, 1995. Renumbered and codified as §§ 4-101 to 4-103, effective July 18, 2008.

§ 4-104. Reasons for statewide child support referees.

The Supreme Court finds that matters related to the establishment, modification, enforcement, and collection of child or spousal support and to paternity should be handled by the court in an expeditious manner so that parties may obtain needed orders and other action as quickly as possible. It is determined that the appointment of statewide child support referees is necessary to aid the district courts in meeting the case progression standards established by Supreme Court rule and federal law.

§ 4-105. Appointment of referees.

Each referee shall be appointed by order of the judges of the Supreme Court and shall be an attorney in good standing admitted to the practice of law in the State of Nebraska. The referee shall be sworn or affirmed, and the oath for judicial officer shall be administered. The referee may be removed at any time by the Supreme Court.

§ 4-106. Duties of referees.

The referee shall, in all judicial districts in this state, hear matters pertaining to (1) the establishment, modification, enforcement, and collection of child or spousal support and (2) paternity. The referee shall have the power to administer all necessary oaths, supervise pretrial preparation pursuant to the rules of discovery, grant continuances and adjournments, recommend the appointment of counsel for indigent parties, and carry out any other duties permitted by law as directed by the district court. The functions performed by the referee under expedited processes shall at a minimum include (1) taking testimony and establishing a record, (2)

evaluating evidence and making recommendations to establish and enforce orders, (3) accepting voluntary acknowledgment of support liability and stipulated agreements setting the amount of support and accepting voluntary acknowledgment of paternity, and (4) recommending default orders if absent parents fail to respond within the time specified by law. Priority shall be given to those judicial districts which have not been granted an exemption from the federal requirement to implement expedited processes.

§ 4-107. Safeguards.

Under the expedited processes established by this court rule:

- (A) The parties must be provided a copy of the recommendation of the referee and the ratified order;
- (B) To be enforceable, the referee's recommendations must be entered as an order by a judge;
- (C) If a case involves complex issues requiring judicial resolution, a temporary support obligation shall be recommended under these expedited processes and the unresolved issues shall be referred to the district court.

§ 4-108. Hearings by referees.

A hearing before a child support referee shall be conducted in the same manner as a hearing before a district court. Testimony in such matters shall be preserved by tape recording or other prescribed measures and shall be in accordance with prescribed standards. Transcripts of all hearings shall be available upon request, and all costs of preparing the transcript shall be paid by the party for whom it is prepared.

§ 4-109. Findings and recommendations of referee.

Upon the hearing of a matter, the child support referee shall prepare in writing his or her findings and recommendations to the parties or their attorneys and submit a report to the district court containing findings of fact and recommendations and any and all exceptions.

§ 4-110. Judicial review of referee decisions.

In all cases referred by a child support referee, the parties shall have the right to take exception within 14 days to the findings and recommendations of the referee and to have a review by the district court before final disposition. Upon receiving the findings and recommendations, the district court shall conduct a review on the report of the referee and in the court's discretion may ratify or modify the recommendations of the referee and enter judgment based thereon, with the rights of appeal and to move for rehearing reserved to all parties.

§ 4-111. Case progression.

Actions to establish or enforce support obligations shall be completed in accordance with state and federal law.

Rules Relating to Statewide Child Support Referees (Rules 4 – 11) adopted May 20, 1992. Renumbered and codified as §§ 4-104 to 4-111, effective July 18, 2008.